



**MINUTES
CITY COUNCIL REGULAR MEETING
April 6, 2021**

CALL TO ORDER

The meeting was called to order at 6:30 pm.

Due to the COVID-19 health pandemic, the Long Lake City Council attended the meeting telephonically pursuant to Minn. Stat. 13D.021.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Deidre Kvale, and Gina Joyce

Staff Present: City Administrator: Scott Weske; Public Works Director: Sean Diercks; Fire Chief: James Van Eyll; Planning Consultant: Hannah Rybak; City Engineer: Alex Mollenkamp; and City Clerk: Jeanette Moeller

Absent: Mike Feldmann (with prior notice)

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following comments and updates:

The Council met in a work session prior to the regular meeting where they spent time discussing a potential sanitary sewer rehabilitation project, a 2022 street improvement project, and received an update on discussions related to the future of fire service in the area.

Last Thursday there was a retirement celebration held via Zoom for Wayzata Police Chief Mike Risvold to wish him well. He noted that the new acting Police Chief is Marc Schultz.

Mayor Miner reported that last week he had filmed a State of the City Address produced by the LMCC which should soon be available to view in various locations.

APPROVE AGENDA

A motion was made by Dyvik, seconded by Miner, to approve the agenda as presented. Ayes: all by roll call.

CONSENT AGENDA

- A. Approve Minutes of March 16, 2021 City Council Meeting
- B. Receive Unofficial Draft Minutes of March 16, 2021 Economic Development Authority Meeting
- C. Receive Unofficial Draft Minutes of March 9, 2021 Planning Commission Meeting
- D. Approve Vendor Claims and Payroll
- E. Adopt Resolution No. 2021-14 Making a Selection Not to Waive the Statutory Tort Limits for 2021 Liability Insurance Purposes

A motion was made by Dyvik, seconded by Joyce, to approve the Consent Agenda as presented. Ayes: all by roll call.

OPEN CORRESPONDENCE

Pancake Breakfast Update - Fire Chief Van Eyll stated that on behalf of the Long Lake Fire Relief Association, he regretted to inform Council that they will be postponing the annual pancake breakfast until later in the year with the hope that they will be able to host a more in person gathering in the future. He noted that with the passing of Rick Perry, there has been some talk about doing a celebration weekend in conjunction with the pancake breakfast.

BUSINESS ITEMS

Public Hearing: Request for Vacation of Certain Public Rights-of-Way to Accommodate Development of "The Borough"

Planning Consultant Rybak explained that the developer has requested the City adopt a resolution formally vacating the trail and right-of-way portion of Virginia Avenue that runs through the parcels that will become The Borough. She added that these vacations were already considered as part of the plat approvals; however, the title company has requested that the vacations be called out specifically. Staff recommends approval of the request.

Council member Kvale stated that in the purchase agreement for the City owned property, there was a claw back clause and asked if the City would have any recourse in clawing this back.

Weske responded that his assumption is that this would be included in the agreement and would be part of the taking back, if the project was not fulfilled.

Council member Kvale noted that Virginia Avenue is not specifically referenced in the agreement.

Weske reiterated that his assumption is that the street right of way would remain because they would not be pulling it into a plat.

Ben Landhauser, Lifestyle Communities, indicated that under the scenario Council member Kvale was referring to where the City gets back its current property, that does not include the Virginia Avenue right-of-way. He pointed out that there is an ingress/egress easement that is also being recorded at the time the new final plat is recorded that provides additional access to the City's property. If nothing moved forward from Lifestyle Communities, the City would have the ability to go back and re-dedicate the vacated right of way through a similar mechanism that they are using to vacate it. He stated that he understood why Council member Kvale was asking the question, but explained that the answer is complicated because there is not a scenario that triggers the City automatically getting back its right of way.

Council member Kvale admitted that she was still confused and asked if Virginia Avenue right of way would be transferring with the property.

Mr. Landhauser affirmed that was correct and the right of way was designated as part of the original plat of West's First Addition.

Council member Kvale asked if her understanding was correct that the owners along Virginia Avenue own it, but the City has right of way for the street.

Mr. Landhauser confirmed this was accurate and described it as kind of an exclusive easement in the form of right of way over portions of the property.

There was discussion about hypothetical scenarios for claw backs and vacation of rights of way.

Mayor Miner opened the public hearing for comment at 6:55 pm.

There being no public input, Mayor Miner closed the public hearing at 6:56 pm.

Rybak explained that the vacations presented did not represent new information, but that the vacations were simply being called out individually by resolution.

A motion was made by Dyvik, seconded by Miner, to adopt Resolution No. 2021-12 approving the vacation of a portion of Virginia Avenue and the public path, both dedicated in West's First Addition to Long Lake. Roll Call Vote: Ayes – Dyvik. Nays – Kvale.

Council member Kvale explained that she had voted against this motion because she was uncomfortable with one portion of it and suggested alternate wording.

City Clerk Moeller inquired whether this item needed a simple majority or a 4/5 majority vote.

Rybak replied that this action would need a 4/5 majority vote.

An alternative motion was made by Kvale, seconded by Dyvik, to adopt Resolution No. 2021-12 approving the vacation of a portion of Virginia Avenue and the public path, both dedicated in West's First Addition to Long Lake, with the condition that the Site Development Agreement be amended to allow the City to reinstate the vacation of Virginia Avenue should the development conditions set forth in the Site Development Agreement not be met.

Council member Dyvik asked if the proposed motion would complicate matters for Lifestyle Communities.

Mr. Landhauser responded that the only potential complication would be the wording of the clause. He stated that they are very confident that they are moving forward with the project and will not miss the deadlines. They would just need to see how the wording of this condition gets wrapped into the Site Development Agreement so all the bases are covered. He indicated that he thinks they will be able to figure this out alongside City Attorney Thames. He noted that an amended Site Development Agreement will be on an upcoming agenda for Council approval.

Weske noted that he will work with City Attorney Thames because he suspects there is an actual process and statute that will need to be followed in this situation.

Moeller confirmed that she thinks staff is understanding what Council is asking for in the motion but noted that Weske may be correct that there is another avenue necessary to reinstate right of way.

Council member Dyvik commented that he thinks the amended motion is unnecessary because if the project doesn't reach construction, the City would acquire half of the right of way through the ingress/egress easement. He explained that he didn't think it will be an issue.

Rybak noted that City Attorney Thames was very involved in the direction and preparation of this item on tonight's agenda, has also been intimately involved in the claw back clause in the development agreement, and confirmed that he had no concerns with vacating this right of way.

Council member Kvale mentioned that it would have been nice to have had City Attorney Thames at tonight's meeting.

Moeller added that she believes the City Attorney Thames considered this a routine item which is why he did not attend tonight's meeting.

Council member Dyvik requested Council member Kvale provide further details on her concerns regarding the scenario.

Council member Kvale explained that she does not like to have loose ends nor just blindly accept what people say. There is a claw back clause in the Site Development Agreement because the City was concerned about how the City could get its property back if something doesn't actually move ahead. She stated that if the City vacates something, she questions how will it work if the City gets the property back. She noted that she understands that people are telling her that this is not an issue, but she wants to know details of why it isn't an issue. She added that she wants to make her decision after having considered everything.

Mr. Landhauser commented that under the current scenario, they would record the plat with the vacations that were planned to move forward tonight, and there would be a public access easement available to the City's property providing access to that piece in the event that they did not perform on the physical development on the City's portion of the property.

Council member Kvale stated that she can support the motion she made but does not think she can support the original motion.

Ayes: all by roll call.

LMCC Visit and Presentation – Jim Lundberg, Operations Manager

Jim Lundberg, Operations Manager, explained that the Lake Minnetonka Communications Commission (LMCC) was formed in 1984 as a Joint Powers Agreement and gave an overview of how the organization is funded. He provided a presentation sharing what LMCC had been up to in 2020 and what they have planned for 2021.

Mayor Miner inquired about the additional Zoom feature for filming technology and whether it would require additional funding.

Mr. Lundberg responded that the City can consider it and noted that it costs between \$2,000 and \$3,000 for installation in the Council Chambers. It would require a dedicated laptop that a staff member would have to control. He noted that they have or will be installing those systems in Deephaven, Excelsior, and Shorewood. He explained that this is not something the City needs to have, but with its minimal cost, it would be a good extension of the filming system and allow the City to bring participants in from around the world to speak during the meetings. He stated that also, for a fairly nominal fee, the City could add a livestream function to their meetings.

Council member Kvale questioned if the City could save money by doing both of those options together like a package deal.

Mr. Lundberg replied that if that decision would have been made prior to the install of the pan/tilt/zoom equipment, yes, but even now, the cost at between \$2,000 and \$3,000 to add the Zoom features is a very reasonable cost and he would guess that it would be under \$1,000 for the live streaming option. He noted that the City would also be required to have the necessary bandwidth for live streaming.

Council member Kvale asked if there had been any thought given to resuming regular in person meetings.

Moeller commented that staff had been discussing the matter and would suggest the possibility of returning to in person meetings once everyone on the Council and staff who wanted to had completed their vaccination protocol.

Council member Kvale questioned what cities have gone back to in person meetings.

Mr. Lundberg mentioned that the City of Spring Park is meeting in person with masks, and Deephaven was meeting in a blended format by utilizing the Zoom component which means some people were in the Council Chambers and some would connect remotely. He noted that many cities are looking towards making the change to in person meetings in June with the thought that they want to make sure it will be a safe environment for Council and staff.

Council member Joyce thanked Mr. Lundberg and the LMCC for being a great resource for communities, especially throughout the election process. She noted that she had been able to film a candidate video while running for Council member and found while she was campaigning that the LMCC candidate videos were the only touchpoint that some people had seen.

Mr. Lundberg thanked Council member Joyce for taking advantage of that service. He also encouraged anyone who has problems or complaints about Mediacom to contact him, as his office can advocate for Mediacom customers.

Mayor Miner suggested that it would be nice if the information about contacting Mr. Lundberg for assistance with complaints about Mediacom could be included in the newsletter.

Moeller noted that she would still be able to include that information in the next newsletter if Mr. Lundberg could send her a few sentences.

Resolution Appointing Matthew Menard to the Position of Full-Time Public Works Maintenance Worker 1

Public Works Director Diercks reported that he is asking for Council approval to hire Matthew Menard to fill the Maintenance Worker 1 position. He reported that there were three people that applied for this position and after interviewing two of them, staff felt Mr. Menard would be the best fit for the City. He noted that in addition to the usual question and answer interview, they also conducted a skills assessment at the Public Works building.

Mayor Miner noted that Mr. Menard also serves as a firefighter in his community and asked if it may be possible for him to assist on the City's Fire Department during regular business hours. He inquired whether doing so could cause a problem with worker's compensation.

Fire Chief Van Eyll responded that there can be some issues with overtime pay in that situation. He added that he is not saying that it could not be arranged, but the matter would need more discussion.

Council member Dyvik confirmed that Maintenance Worker I title is an entry level position.

Diercks clarified that this is the new entry level position that the City recently created.

A motion was made by Dyvik, seconded by Joyce, to adopt Resolution No. 2021-13 appointing Matthew Menard to the position of full-time Public Works Maintenance Worker I for the City of Long Lake.

Diercks noted that Mr. Menard's start date would be April 13, 2021.

Mr. Menard expressed his appreciation to the Council for their support.

Ayes: all by roll call.

Diercks thanked the Council for their support in the hiring of Mr. Menard for the Maintenance Worker I position and noted that he thinks he will be a good fit for the City.

OTHER BUSINESS

Retirement Notice Received - Diercks reported that earlier in the day, the City's over 45-year veteran Public Works employee, Don Gaspar, had turned in his retirement notice and he will be bringing forward formal acceptance of that notice on the next Council meeting agenda. He stated that Mr. Gaspar's last day will be April 30, 2021.

Water Service to 1977 Wayzata Boulevard W – Diercks mentioned that the water service for 1977 Wayzata Boulevard W, the Club Mutts property, is fed from Virginia Avenue and once The Borough comes in something different will need to be done there. He gave a brief overview of the plans to address this issue including boring a line across Wayzata Boulevard W and tying to the main by Lake Community Bank. He added that there will be more details coming in future on that. Mayor Miner asked about the possibility of heading towards the Pioneer Museum and whether that may be more convenient. Diercks responded that they had already been bored across and tied into the same main and explained that they would not want to share service lines. Mayor Miner stated that he would like to explore the possibility of the developer sharing some of the costs of making this connection.

SCBA Equipment - Van Eyll stated that earlier in the afternoon the Fire Department had taken possession of their new air packs from 3M and Scott Safety. He noted that their goal of an in-service date for the air packs is June 1, 2021.

County Road 15 Detour Traffic and Clerk Updates - Moeller reported that the City is continuing to work with the Wayzata Police Department on the 'detouring themselves' traffic that has been zipping around on Orono Orchard Road and Orchard Lane. She noted that it sounds like the County Road 15 project contractor had erroneously posted some detour signs routing people through Long Lake. She indicated that the City had gotten involved quickly because their understanding was that Hennepin County would not be involving any local roads for detour routes, and the signs were quickly removed. She stated that Acting Chief Schultz contacted Hennepin County, a speed trailer will be placed on Orchard Lane within the next few days, and the Chief has also increased Police presence in the area. She expressed her appreciation for the support of the Wayzata Police Department in this situation.

She stated that curbside leaf pickup dates will be provided Tuesday, April 20 and Tuesday, April 27 by individual residential garbage haulers. She stated that the Orono Spring Clean-Up Day that residents can utilize if they show their ID with proof of Long Lake residency is on Saturday, April 24, 2021.

Regarding the County Road 15 project, Council member Kvale questioned what the detour route is actually supposed to be.

Van Eyll replied that his understanding is the detour should be County Road 112 to County Road 6 to County Road 19. He noted that Fox Street will remain posted as a four-ton road and there is signage on Fox Street that says 'Residents Only, Road Closed Ahead' to discourage some of the issues that they are having.

Mayor Miner noted that he would like the Council to consider setting aside funding once a year to be able to install more of the "Your Speed is..." signs around throughout the City because they seem fairly effective. He asked Diercks if he could get a cost estimate for those signs rather than the speed trailer.

Moeller noted that the Council could keep this in mind as part of street improvement projects in future as well because it may be more efficient, cost-wise, to install those signs at the same time as the road is being constructed.

Spell Capital, Updated Concept - Council member Dyvik mentioned that the DJR Architects, on behalf of Spell Capital, has submitted a revision on their concept for the former BP site. He added that he assumes that the concept will be presented at the next EDA meeting on April 20, 2021. He stated that it appears as though they have addressed questions and issues brought up by the EDA.

Public Works Staffing – Council member Dyvik asked for clarification on the upcoming Public Works position that would be posted. Diercks indicated that the posting would be consistent with positions previously approved and when it is all said and done, they will still have four Public Works Department employees. Council member Dyvik questioned if Diercks saw a need to have some extra support or temporary help as he recovers from his shoulder surgery. Diercks replied that he is hoping after he sees the doctor at his next appointment that things will be shown to be progressing nicely and he can start using his arm a bit more. He stated that right now they are doing okay without additional support, but he would let the Council know if they end up needing help.

Action on Spell Capital Concept - Council member Joyce asked if the expectation was that some sort of action would take place at the EDA meeting regarding the Spell Capital proposal that is coming back for the former BP site. Council member Dyvik indicated that the EDA could take action or they could give them more feedback and asked them to tweak the plans again. He noted that at some point a decision will need to be made. Council member Joyce asked if that discussion would happen separate from the proposal by the developer or that night during the meeting. Council member Dyvik responded that the discussion would happen during the meeting. He noted that when they discuss matters like what they would sell the property for, that would happen in a closed meeting format. During the meeting, he thinks the EDA can communicate that they like what they are doing and would like to see it move forward in the process, but noted that is not a commitment to sell the property to them.

Park Board Liaison Report - Council member Joyce gave a brief update on the April 5, 2021 Park Board meeting, noting that the Board received a presentation by Three Rivers Park District of a regional trail proposal.

Stage Update - Mayor Miner inquired about the status of the event stage in Nelson Lakeside Park. Moeller recalled that after the Council had approved the project, some negative feedback was received from residents who expressed concerns about the approved location. She stated that she believes at some point in the next few months the City will hear a new proposal from them about a possible different location for the event stage elsewhere within the park. Council member Dyvik noted that he had gone back and looked at the minutes and he does not think the Council took formal action on a specific location but did sort of say, this was a location that the group liked. Moeller agreed that she does not think the Council's prior action was bound by the original location; however, she doesn't think staff would want to take any permit applications for a project at a location that was from what the Council saw. She explained that staff would want to make sure the Council sees a new location in order to provide feedback. Council member Joyce asked if the Council would see the feedback that the City received regarding the previously proposed location of the stage. City Clerk Moeller stated that she can try to find the e-mail chains and forward it to the new Council members as those messages were sent last year prior to their election. Mayor Miner

recalled that the individuals proposing the stage had indicated they would be taking a look at the recommendations made by the residents and would bring back a revised proposal.

ADJOURN

Hearing no objection, Mayor Miner adjourned by general consent at 8:03 pm.

Respectfully submitted,

Scott Weske
City Administrator